

UNITED STATES DISTRICT COURT
for the
Middle District of Georgia

United States of America

v.

Victor Penaloza Sanchez

Date of Original Judgment:

September 6, 2022

Date of Previous Amended Judgment:

(Use Date of Last Amended Judgment if Any)

)
Case No: 5:21-CR-54-002
)
USM No: 71985-509
)
Mark J. Issa
Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO AMENDMENT 821**

Upon motion of the defendant the Director of the Bureau of Prisons the court under Amendment 821 for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission, and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 150 months **is reduced to** 126 months.

Victor Penaloza Sanchez was originally sentenced on August 31, 2022, to a total term of 150 months imprisonment to be served consecutively to any term of imprisonment imposed in Cobb County Superior Court Docket No. 14-9-1384-52. The prison term is to be followed by a three-year term of supervised release.

Sanchez' criminal convictions resulted in a subtotal criminal history score of three. An additional two points were added since he committed the instant offense while under a criminal justice sentence. His total criminal history score was five which established a Criminal History Category III. Based on a Total Offense Level 31 and a Criminal History Category III, the guideline imprisonment range was 135 to 168 months.

Part A of Amendment 821 of the United States Sentencing Guidelines eliminated "status points" for being under a criminal justice sentence at the time of the instant offense for defendants with six or less criminal history points. Therefore, the defendant's total criminal history score would be reduced to three which establishes a Criminal History Category II. Based on a Total Offense Level 31 and a Criminal History Category II, the guideline imprisonment range becomes 121 to 151 months.

The Government agrees that a sentence reduction is appropriate and believes a reduction of 15 months is appropriate. However, the Court has determined a sentence reduction of 24 months is reasonable when considering the 18 U.S.C. 3553(a) factors and is also proportional to the original sentence. Therefore, the Court reduces the sentence of imprisonment to 126 months.

Except as otherwise provided, all provisions of the judgment dated September 6, 2022 shall remain in effect.

IT IS SO ORDERED.

Order Date: June 3, 2024

s/Tilman E. Self, III
Judge's signature

Effective Date: (if different from order date)

Tilman E. Self, III, U.S. District Judge
Printed name and title